

**D. CONTINUED BENEFITS PENDING A FAIR HEARING****CLARIFYING INFORMATION**

1. Continued benefits for most clients are governed by WAC 388-418-0030.
2. Continued benefits are authorized at the level the client was receiving before the action was taken which resulted in the hearing request.
3. Clients must be notified in writing of their eligibility for continued benefits.
4. ADATSA shelter clients are eligible for continued benefits to be paid through a protective payee. **[see WAC 388-240-5100 for a complete text of the rule]**.
5. ADATSA treatment clients are not eligible for continued benefits. **[see WAC 388-240-4200 for a complete text of the rule]**

**WORKER RESPONSIBILITIES****FAIR HEARING COORDINATOR**

1. Review each hearing request to determine eligibility for continued benefits.
2. Notify FSS/Case Manager of decision regarding appellant's eligibility for continued benefits. ACES Letter FHC1 B Fair Hearing Communication is available for this purpose.
3. Call the Office of Administrative Hearings to schedule an expedited hearing when clients appeal the decision regarding continued assistance.
4. Monitor pending cases to ensure that clients who are eligible for continued assistance receive benefits without delay.
5. Notify FSS/Case Manager when continued benefits terminate.
6. Follow local office procedure regarding overpayments which may result from the payment of continued benefits.

**FSS/CASE MANAGER**

1. When notified by FHC that the client is eligible for continued benefits.
  - a. Reinstate terminated assistance or make changes to the ACES record to cancel a reduction or suspension.
  - b. Send notice of eligibility to client which includes the following information:
    - (1) Benefits have been continued based on the hearing request;
    - (2) Some or all of the benefits may be considered an overpayment if the department action is affirmed; and
    - (3) If the client does not wish to receive continued benefits, they must make that request in writing.
2. When notified by FHC that the client is not eligible for continued benefits send ACES letter D01C for cash or medical or D02C for food stamps. The following information should be included:
  - a. Why benefits cannot be authorized, citing the regulation; and
  - b. Information regarding Fair Hearing rights.
3. Continue to process all case actions while the hearing is pending. Notify the FHC of any changes that result in a reduction, suspension or termination of assistance.